

1 Milord A. Keshishian, SBN 197835
2 milord@milordlaw.com
3 MILORD LAW GROUP, P.C.
4 333 South Hope Street, Suite 4025
Los Angeles, California 90071
Tel: (310) 226-7878
Fax: (310) 226-7879

5 Attorneys for Defendants Umer Wasim and Teknoby Digital LLC

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**

8
9 AMAZON.COM, INC., a Delaware
corporation, and AMAZON
10 TECHNOLOGIES, INC., a Nevada
corporation;

11 Plaintiffs
12 vs.

13 UMER WASIM, et al.,

14 Defendants.

15 CASE NO. 4:23-cv-05580-DMR

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**DEFENDANTS UMER WASIM AND
TEKNOBYL DIGITAL LLC'S
ANSWER AND AFFIRMATIVE
DEFENSES; DEMAND FOR JURY
TRIAL**

1 Defendants Umer Wasim and Teknoby Digital LLC (“Defendants”) in response to
2 Plaintiffs Amazon.com, Inc. and Amazon Technologies, Inc. (“Plaintiffs”) Complaint,
3 alleges, deny, and avers as follows:

4

5 **INTRODUCTION**

- 6 1. Defendants deny the allegations of Paragraph 1.
- 7 2. Defendants lack knowledge and information sufficient to form a belief as to
8 the truth of the allegations set forth in Paragraph 2 and, therefore, deny the same.
- 9 3. Defendants deny the allegations of Paragraph 3.

10

11 **PARTIES**

12 4. Defendants lack knowledge and information sufficient to form a belief as to
13 the truth of the allegations set forth in Paragraph 4 and, therefore, deny the same.

14 5. Defendants lack knowledge and information sufficient to form a belief as to
15 the truth of the allegations set forth in Paragraph 5 and, therefore, deny the same.

16 6. Defendants admit the allegations of Paragraph 6.

17 7. Defendants admit the allegations of Paragraph 7.

18 8. Defendants lack knowledge and information sufficient to form a belief as to
19 the truth of the allegations set forth in Paragraph 8 and, therefore, deny the same.

20 9. Defendants lack knowledge and information sufficient to form a belief as to
21 the truth of the allegations set forth in Paragraph 9 and, therefore, deny the same.

22 10. Defendants lack knowledge and information sufficient to form a belief as to
23 the truth of the allegations set forth in Paragraph 10 and, therefore, deny the same.

24 11. Defendants lack knowledge and information sufficient to form a belief as to
25 the truth of the allegations set forth in Paragraph 11 and, therefore, deny the same.

26 12. Defendants lack knowledge and information sufficient to form a belief as to
27 the truth of the allegations set forth in Paragraph 12 and, therefore, deny the same.

28 13. Defendants lack knowledge and information sufficient to form a belief as to

the truth of the allegations set forth in Paragraph 13 and, therefore, deny the same.

14. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 14 and, therefore, deny the same.

15. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 15 and, therefore, deny the same.

16. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 16 and, therefore, deny the same.

17. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 17 and, therefore, deny the same.

18. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 18 and, therefore, deny the same.

19. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 19 and, therefore, deny the same.

20. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 20 and, therefore, deny the same.

21. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 21 and, therefore, deny the same.

22. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 22 and, therefore, deny the same.

23. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 23 and, therefore, deny the same.

24. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 24 and, therefore, deny the same.

JURISDICTION

25. Defendants admit the allegations of Paragraph 25.

26. Defendants admit that the Court has subject matter jurisdiction, but deny the remaining allegations of Paragraph 26.

27. Defendants admit that they have conducted business activities in California, but deny the remaining allegations of Paragraph 27.

28. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 28 and, therefore, deny the same.

29. Defendants deny infringement of Amazon's intellectual property, but lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 29 and, therefore, deny the same.

FACTS

30. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 30 and, therefore, deny the same.

31. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 31 and, therefore, deny the same.

32. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 32 and, therefore, deny the same.

33. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 33 and, therefore, deny the same.

34. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 34 and, therefore, deny the same.

35. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 35 and, therefore, deny the same.

36. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 36 and, therefore, deny the same.

37. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 37 and, therefore, deny the same.

38. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 38 and, therefore, deny the same.

39. Defendants lack knowledge and information sufficient to form a belief as to

1 the truth of the allegations set forth in Paragraph 39 and, therefore, deny the same.

2 40. Defendants deny the allegations in Paragraph 40.

3 41. Defendants lack knowledge and information sufficient to form a belief as to
4 the truth of the allegations set forth in Paragraph 41 and, therefore, deny the same.

5 42. Defendants lack knowledge and information sufficient to form a belief as to
6 the truth of the allegations set forth in Paragraph 42 and, therefore, deny the same.

7 43. Defendants lack knowledge and information sufficient to form a belief as to
8 the truth of the allegations set forth in Paragraph 43 and, therefore, deny the same.

9 44. Defendants lack knowledge and information sufficient to form a belief as to
10 the truth of the allegations set forth in Paragraph 44 and, therefore, deny the same.

11 45. Defendants lack knowledge and information sufficient to form a belief as to
12 the truth of the allegations set forth in Paragraph 45 and, therefore, deny the same.

13 46. Defendants lack knowledge and information sufficient to form a belief as to
14 the truth of the allegations set forth in Paragraph 46 and, therefore, deny the same.

15 47. Defendants lack knowledge and information sufficient to form a belief as to
16 the truth of the allegations set forth in Paragraph 47 and, therefore, deny the same.

17 48. Defendants lack knowledge and information sufficient to form a belief as to
18 the truth of the allegations set forth in Paragraph 48 and, therefore, deny the same.

19 49. Defendants lack knowledge and information sufficient to form a belief as to
20 the truth of the allegations set forth in Paragraph 49 and, therefore, deny the same.

21 50. Defendants lack knowledge and information sufficient to form a belief as to
22 the truth of the allegations set forth in Paragraph 50 and, therefore, deny the same.

23 51. Defendants lack knowledge and information sufficient to form a belief as to
24 the truth of the allegations set forth in Paragraph 51 and, therefore, deny the same.

25 52. Defendants lack knowledge and information sufficient to form a belief as to
26 the truth of the allegations set forth in Paragraph 52 and, therefore, deny the same.

27 53. Defendants lack knowledge and information sufficient to form a belief as to
28 the truth of the allegations set forth in Paragraph 53 and, therefore, deny the same.

1 54. Defendants lack knowledge and information sufficient to form a belief as to
2 the truth of the allegations set forth in Paragraph 54 and, therefore, deny the same.

3 55. Defendants lack knowledge and information sufficient to form a belief as to
4 the truth of the allegations set forth in Paragraph 55 and, therefore, deny the same.

5 56. Defendants lack knowledge and information sufficient to form a belief as to
6 the truth of the allegations set forth in Paragraph 56 and, therefore, deny the same.

7 57. Defendants lack knowledge and information sufficient to form a belief as to
8 the truth of the allegations set forth in Paragraph 57 and, therefore, deny the same.

9 58. Defendants lack knowledge and information sufficient to form a belief as to
10 the truth of the allegations set forth in Paragraph 58 and, therefore, deny the same.

11 59. Defendants lack knowledge and information sufficient to form a belief as to
12 the truth of the allegations set forth in Paragraph 59 and, therefore, deny the same.

13 60. Defendants lack knowledge and information sufficient to form a belief as to
14 the truth of the allegations set forth in Paragraph 60 and, therefore, deny the same.

15 61. Defendants lack knowledge and information sufficient to form a belief as to
16 the truth of the allegations set forth in Paragraph 61 and, therefore, deny the same.

17 62. Defendants lack knowledge and information sufficient to form a belief as to
18 the truth of the allegations set forth in Paragraph 62 and, therefore, deny the same.

19 63. Defendants lack knowledge and information sufficient to form a belief as to
20 the truth of the allegations set forth in Paragraph 63 and, therefore, deny the same.

21 64. Defendants lack knowledge and information sufficient to form a belief as to
22 the truth of the allegations set forth in Paragraph 64 and, therefore, deny the same.

23 65. Defendants lack knowledge and information sufficient to form a belief as to
24 the truth of the allegations set forth in Paragraph 65 and, therefore, deny the same.

25 66. Defendants lack knowledge and information sufficient to form a belief as to
26 the truth of the allegations set forth in Paragraph 66 and, therefore, deny the same.

27 67. Defendants lack knowledge and information sufficient to form a belief as to
28 the truth of the allegations set forth in Paragraph 67 and, therefore, deny the same.

1 68. Defendants lack knowledge and information sufficient to form a belief as to
2 the truth of the allegations set forth in Paragraph 68 and, therefore, deny the same.

3 69. Defendants lack knowledge and information sufficient to form a belief as to
4 the truth of the allegations set forth in Paragraph 69 and, therefore, deny the same.

5 70. Defendants lack knowledge and information sufficient to form a belief as to
6 the truth of the allegations set forth in Paragraph 70 and, therefore, deny the same.

7 71. Defendants lack knowledge and information sufficient to form a belief as to
8 the truth of the allegations set forth in Paragraph 71 and, therefore, deny the same.

9 72. Defendants lack knowledge and information sufficient to form a belief as to
10 the truth of the allegations set forth in Paragraph 72 and, therefore, deny the same.

11 73. Defendants lack knowledge and information sufficient to form a belief as to
12 the truth of the allegations set forth in Paragraph 73 and, therefore, deny the same.

13 74. Defendants lack knowledge and information sufficient to form a belief as to
14 the truth of the allegations set forth in Paragraph 74 and, therefore, deny the same.

15 75. Defendants lack knowledge and information sufficient to form a belief as to
16 the truth of the allegations set forth in Paragraph 75 and, therefore, deny the same.

17 76. Defendants lack knowledge and information sufficient to form a belief as to
18 the truth of the allegations set forth in Paragraph 76 and, therefore, deny the same.

19 77. Defendants lack knowledge and information sufficient to form a belief as to
20 the truth of the allegations set forth in Paragraph 77 and, therefore, deny the same.

21 78. Defendants lack knowledge and information sufficient to form a belief as to
22 the truth of the allegations set forth in Paragraph 78 and, therefore, deny the same.

23 79. Defendants lack knowledge and information sufficient to form a belief as to
24 the truth of the allegations set forth in Paragraph 79 and, therefore, deny the same.

25 80. Defendants lack knowledge and information sufficient to form a belief as to
26 the truth of the allegations set forth in Paragraph 80 and, therefore, deny the same.

27 81. Defendants lack knowledge and information sufficient to form a belief as to
28 the truth of the allegations set forth in Paragraph 81 and, therefore, deny the same.

1 82. Defendants lack knowledge and information sufficient to form a belief as to
2 the truth of the allegations set forth in Paragraph 82 and, therefore, deny the same.

3 83. Defendants lack knowledge and information sufficient to form a belief as to
4 the truth of the allegations set forth in Paragraph 83 and, therefore, deny the same.

5 84. Defendants lack knowledge and information sufficient to form a belief as to
6 the truth of the allegations set forth in Paragraph 84 and, therefore, deny the same.

7 85. Defendants lack knowledge and information sufficient to form a belief as to
8 the truth of the allegations set forth in Paragraph 85 and, therefore, deny the same.

9 86. Defendants lack knowledge and information sufficient to form a belief as to
10 the truth of the allegations set forth in Paragraph 86 and, therefore, deny the same.

11 87. Defendants lack knowledge and information sufficient to form a belief as to
12 the truth of the allegations set forth in Paragraph 87 and, therefore, deny the same.

13 88. Defendants lack knowledge and information sufficient to form a belief as to
14 the truth of the allegations set forth in Paragraph 88 and, therefore, deny the same.

15 89. Defendants lack knowledge and information sufficient to form a belief as to
16 the truth of the allegations set forth in Paragraph 89 and, therefore, deny the same.

17 90. Defendants lack knowledge and information sufficient to form a belief as to
18 the truth of the allegations set forth in Paragraph 90 and, therefore, deny the same.

19 91. Defendants lack knowledge and information sufficient to form a belief as to
20 the truth of the allegations set forth in Paragraph 91 and, therefore, deny the same.

21 92. Defendants lack knowledge and information sufficient to form a belief as to
22 the truth of the allegations set forth in Paragraph 92 and, therefore, deny the same.

23 93. Defendants lack knowledge and information sufficient to form a belief as to
24 the truth of the allegations set forth in Paragraph 93 and, therefore, deny the same.

25 94. Defendants lack knowledge and information sufficient to form a belief as to
26 the truth of the allegations set forth in Paragraph 94 and, therefore, deny the same.

27 95. Defendants lack knowledge and information sufficient to form a belief as to
28 the truth of the allegations set forth in Paragraph 95 and, therefore, deny the same.

1 96. Defendants lack knowledge and information sufficient to form a belief as to
2 the truth of the allegations set forth in Paragraph 96 and, therefore, deny the same.

3 97. Defendants lack knowledge and information sufficient to form a belief as to
4 the truth of the allegations set forth in Paragraph 97 and, therefore, deny the same.

5 98. Defendants lack knowledge and information sufficient to form a belief as to
6 the truth of the allegations set forth in Paragraph 98 and, therefore, deny the same.

7 99. Defendants lack knowledge and information sufficient to form a belief as to
8 the truth of the allegations set forth in Paragraph 99 and, therefore, deny the same.

9 100. Defendants lack knowledge and information sufficient to form a belief as to
10 the truth of the allegations set forth in Paragraph 100 and, therefore, deny the same.

11 101. Defendants lack knowledge and information sufficient to form a belief as to
12 the truth of the allegations set forth in Paragraph 101 and, therefore, deny the same.

13 102. Defendants lack knowledge and information sufficient to form a belief as to
14 the truth of the allegations set forth in Paragraph 102 and, therefore, deny the same.

15 103. Defendants lack knowledge and information sufficient to form a belief as to
16 the truth of the allegations set forth in Paragraph 103 and, therefore, deny the same.

17 104. Defendants lack knowledge and information sufficient to form a belief as to
18 the truth of the allegations set forth in Paragraph 104 and, therefore, deny the same.

19 105. Defendants lack knowledge and information sufficient to form a belief as to
20 the truth of the allegations set forth in Paragraph 105 and, therefore, deny the same.

21 106. Defendants lack knowledge and information sufficient to form a belief as to
22 the truth of the allegations set forth in Paragraph 106 and, therefore, deny the same.

23 107. Defendants lack knowledge and information sufficient to form a belief as to
24 the truth of the allegations set forth in Paragraph 107 and, therefore, deny the same.

25 108. Defendants lack knowledge and information sufficient to form a belief as to
26 the truth of the allegations set forth in Paragraph 108 and, therefore, deny the same.

27 109. Defendants lack knowledge and information sufficient to form a belief as to
28 the truth of the allegations set forth in Paragraph 109 and, therefore, deny the same.

110. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 110 and, therefore, deny the same.

111. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 111 and, therefore, deny the same.

112. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 112 and, therefore, deny the same.

113. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 113 and, therefore, deny the same.

114. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 114 and, therefore, deny the same.

115. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 115 and, therefore, deny the same.

116. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 116 and, therefore, deny the same.

117. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 117 and, therefore, deny the same.

118. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 118 and, therefore, deny the same.

119. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 119 and, therefore, deny the same.

120. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 120 and, therefore, deny the same.

121. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 121 and, therefore, deny the same.

FIRST CAUSE OF ACTION

Trademark Infringement (15 U.S.C. § 1114)

By Amazon Technologies

122. Defendants repeat and incorporate by reference herein their responses to Paragraphs 1 through 121.

123. Defendants deny the allegations set forth in Paragraph 123.

124. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 124 and, therefore, deny the same.

125. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 125 and, therefore, deny the same.

126. Defendants deny the allegations set forth in Paragraph 126.

127. Defendants deny the allegations set forth in Paragraph 127.

128. Defendants deny the allegations set forth in Paragraph 128.

129. Defendants deny the allegations set forth in Paragraph 129.

130. Defendants deny the allegations set forth in Paragraph 130.

131. Defendants deny the allegations set forth in Paragraph 131.

SECOND CAUSE OF ACTION

False Affiliation and Designation of Origin (15 U.S.C. § 1125(a))

By All Plaintiffs

132. Defendants repeat and incorporate by reference herein their responses to Paragraphs 1 through 131.

133. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 133 and, therefore, deny the same.

134. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 134 and, therefore, deny the same.

135. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 135 and, therefore, deny the same.

136. Defendants deny the allegations set forth in Paragraph 136.

137. Defendants deny the allegations set forth in Paragraph 137.

138. Defendants deny the allegations set forth in Paragraph 138.

139. Defendants deny the allegations set forth in Paragraph 139.

140. Defendants deny the allegations set forth in Paragraph 140.

141. Defendants deny the allegations set forth in Paragraph 141.

THIRD CAUSE OF ACTION

Trademark Dilution (15 U.S.C. § 1125(c))

By Amazon Technologies

142. Defendants repeat and incorporate by reference herein their responses to Paragraphs 1 through 141.

143. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 143 and, therefore, deny the same.

144. Defendants deny the allegations set forth in Paragraph 144.

145. Defendants deny the allegations set forth in Paragraph 145.

146. Defendants deny the allegations set forth in Paragraph 146.

FOURTH CAUSE OF ACTION

Cybersquatting (15 U.S.C. § 1125(d))

By Amazon Technologies

147. Defendants repeat and incorporate by reference herein their responses to Paragraphs 1 through 146.

148. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 148 and, therefore, deny the same.

149. Defendants deny the allegations set forth in Paragraph 149.

150. Defendants deny the allegations set forth in Paragraph 150.

151. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 151 and, therefore, deny the same.

152. Defendants deny the allegations set forth in Paragraph 152.

153. Defendants deny the allegations set forth in Paragraph 153.

154. Defendants deny the allegations set forth in Paragraph 154.

3 **AFFIRMATIVE DEFENSES**

4 By asserting the following Affirmative Defenses, Defendants do not alter
5 Plaintiffs' burden of proof. There may be defenses to Plaintiffs' causes of action that are
6 currently unknown to Defendants. Defendants therefore reserve the right to amend this
7 Answer to allege additional defenses should discovery indicate that they are appropriate.
8 However, Defendants allege, upon current information and belief, the following
9 Affirmative Defenses:

10 **FIRST AFFIRMATIVE DEFENSE**

11 **(Transformative Use)**

13 Defendants' conduct constitutes transformative use.

15 **SECOND AFFIRMATIVE DEFENSE**

16 **(Acts of Third Parties)**

17 Plaintiffs' damages, if any, resulted from the acts or omissions of co-defendants or
18 third parties over whom Defendants had no control or responsibility. The acts of such
19 third parties and/or co-defendants constitute intervening or superseding causes of the
20 harm, if any, suffered by Plaintiffs.

22 **RESERVATION OF RIGHTS**

23 Defendants allege that they have not knowingly or voluntarily waived any
24 applicable affirmative defenses and reserve the right to assert and rely on such other
25 applicable affirmative defenses as may become available or apparent during discovery
26 proceedings. Defendants further reserve the right to amend their answer and/or
27 affirmative defenses accordingly and/or to declare affirmative defenses that they
28 determine are not applicable during the course of subsequent discovery.

PRAYER FOR RELIEF

WHEREFORE, Defendants pray for judgment against Plaintiffs as follows:

A. The dismissal of Plaintiffs' Complaint against Defendants, in its entirety, and with prejudice;

B. An award to Defendants of their reasonable attorneys' fees and costs incurred in connection with this action; and

C. Such other and further relief as the Court may deem just and proper.

Respectfully submitted:

Dated: March 8, 2024

MILORD LAW GROUP, P.C.

/s/ Milord A. Keshishian
Milord A. Keshishian
Attorneys for Defendants
UMER WASIM AND TEKNOBYL
DIGITAL LLC